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**KIRTON & McCONKIE**  
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Attorneys for Plaintiff

FILED  
U.S. DISTRICT COURT

2005 AUG 17 PM 12:01

DISTRICT OF UTAH

BY: DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT

STATE OF UTAH, CENTRAL DIVISION

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JENNIFER STEIMKE, as trustee of the :  
ODETTE GRAHAM TRUST, sole beneficiary :  
of the MICHELON FAMILY TRUST, and sole :  
devisee and representative of the ESTATE OF :  
LYNDA STEIMKE MICHELON, :

Plaintiff, :

v. :

JAE FORSCHEN, DAVID J. ORR, :  
individually and dba WORLD :  
CONTRACTUAL SERVICES, HARVEST :  
MARKETING, L.L.C., FIRST HARVEST, :  
L.L.C., FRANK L. DAVIS, and JOHN DOES 1 :  
through 10, :

Defendants. :

**MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
ENTRY OF JUDGMENT**

Case No. 2:03CV-0487

Judge Dale A. Kimball

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Plaintiff Jennifer Steimke submits this memorandum of points and authorities in support of her Motion for Entry of Final Judgment. Steimke seeks entry of judgment against defendants Frank L. Davis, First Harvest, LLC and Harvest Marketing, LLC in the amount of \$620,000 plus \$1,000 per week after September 29, 2005 until paid in full. Steimke also requests the Court to expressly

direct entry of the judgment as a final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

### STATEMENT OF FACTS

The facts material to this motion are as follows:

1. On August 2, 2005, the Court entered its Memorandum Decision and Order ("Order"). On p. 9 of the Order, the Court granted Steimke's Motion For Partial Summary Judgment seeking judgment against Frank L. Davis, Harvest Marketing, LLC and First Harvest, LLC ("Davis Defendants") for amounts due under the Davis Note. The motion sought judgment for the principal amount of the note, plus late fees/interest at the rate of \$1,000 per week after March 3, 2000 (the due date of the note) plus costs and attorneys' fees. The award of attorneys' fees and costs was based upon the Davis Defendants' promise in the Davis Note to pay all attorneys' fees and costs incurred in collecting on the note. (*See* Order, pp. 4 through 10; also Affidavit of David M. Wahlquist, para. 2)

2. The principal amount of the note is \$175,000. (*See* Order, p. 4; also Affidavit of David M. Wahlquist, para. 3)

3. The late fees/interest accruing after March 3, 2000 through September 29, 2005 is \$290,000. (Affidavit of David M. Wahlquist, para. 4)

4. Steimke hired Kirton & McConkie to assist her in this action to collect on the Davis Note. Because of the risk involved and Steimke's financial circumstances, she engaged Kirton & McConkie on a contingency fee basis. Steimke entered into a written agreement wherein she agreed to pay Kirton & McConkie a one-third contingency fee and to reimburse Kirton & McConkie for all

out-of-pocket costs, including but not limited to costs for copying, long distance telephone, deposition costs, travel costs, computer research costs, postage, and filing fees. (Affidavit of David M. Wahlquist, para. 5)

5. The total judgment exclusive of attorneys' fees and costs is \$465,000. One third of that amount is \$155,000 which Steimke will incur as attorneys' fees under her contingency fee arrangement with Kirton & McConkie. (Affidavit of David M. Wahlquist, para. 6)

6. Attached as Exhibit "A" to the Affidavit of David M. Wahlquist is an accurate accounting of time spent by attorneys and legal assistants on behalf of Steimke. Also included with that exhibit is a summary of hours spent by individual attorney and legal assistant and the charges Steimke would have owed Kirton & McConkie for these services (exclusive of interest) if she had engaged Kirton & McConkie on an hourly basis at Kirton & McConkie's current hourly rates. (Affidavit of David M. Wahlquist, para. 7)

7. Plaintiffs in collection actions such as this one frequently engage legal counsel on a contingency fee basis. There are local attorneys whose sole practice is to collect amounts due on various instruments exclusively on a contingency fee basis. At the time Frank Davis signed the Davis Note, he should have reasonably anticipated that plaintiff may engage her counsel on a contingency fee basis in the event she was compelled to commence legal action to enforce the note. (Affidavit of David M. Wahlquist, para. 8)

8. Although some contingency fees are higher, a one-third contingency fee is standard in this community. (Affidavit of David M. Wahlquist, para. 9)

9. Steimke has also incurred costs in this matter in the amount of \$6,784.73. An accurate itemization of those costs is attached as Exhibit "B" to Mr. Wahlquist's Affidavit. (Affidavit of David M. Wahlquist, para. 10)

10. The total amount due Steimke under the Davis Note as of September 29, 2005 will be \$626,784.73 together with interest/late charges thereafter at the rate of \$1,000 per week until paid in full. (Affidavit of David M. Wahlquist, para. 11)

11. The Court's Order constitutes a complete adjudication of the Eighteenth Cause of Action set forth in Steimke's complaint. (Affidavit of David M. Wahlquist, para. 12)

13. Steimke stipulates and represents to the Court that she is willing to dismiss all other causes of action in her complaint as against Frank L. Davis, Harvest Marketing, LLC and First Harvest, LLC to become effective upon the Court's Order with respect to the Eighteenth Cause of Action becoming final and non-appealable. Only if the Order is reversed on appeal would she retain her other claims against said defendants. (Affidavit of David M. Wahlquist, para. 13)

### **ARGUMENT**

#### **I. STEIMKE IS ENTITLED TO JUDGMENT AGAINST THE DAVIS DEFENDANTS IN THE AMOUNT OF \$626,784.73 PLUS \$1,000 PER WEEK AFTER SEPTEMBER 29, 2005 UNTIL PAID IN FULL**

The Court has awarded Steimke judgment against each of the Davis Defendants for the principal amount of the Davis Note (\$175,000), plus late fees/interest, plus Steimke's attorneys' fees and costs. The late fees/interest will total \$290,000 through September 29, 2005. (Affidavit of David M. Wahlquist, para. 3) Steimke's costs incurred in this action total \$6,784.73. (Affidavit of David M. Wahlquist, para. 9)

Steimke has incurred attorneys' fees in the amount of \$155,000, which is one-third of the amount due under the Davis Note exclusive of attorneys' fees and costs. Steimke's attorneys' fees are based upon a contingency fee agreement with Kirton & McConkie wherein she agreed to pay costs plus a standard one-third contingency fee. (Affidavit of David M. Wahlquist, para. 4) Since the award of fees is based upon a Utah state law claim, the amount of fees to be awarded is governed by Utah law. *Mangold v. California Public Utilities Commission*, 67 F. 3d 1470 (9<sup>th</sup> Cir. 1995); and *Mitzel v. Westinghouse Electric Corporation*, 72 F. 3d 414 (3<sup>rd</sup> Cir. 1995).

In *Campbell v. State Farm Mutual Automobile Insurance Company*, 65 P. 3d 1134 (Utah 2001), the Utah Supreme Court held that contingency fees should be used as the basis of a fee award if it was reasonably foreseeable by the defendant that the plaintiff may employ an attorney on a contingency fee basis. *Id.* at 1169-1170.<sup>1</sup> Plaintiffs in cases involving collection on notes and other accounts receivable commonly engage legal counsel on a contingency fee basis. (Affidavit of David M. Wahlquist, para. 8) The Davis Defendants should have reasonably foreseen that Steimke may engage her counsel on a contingency fee basis in this matter. For these reasons, Steimke is entitled to an award of \$155,000 for her attorneys' fees.

The total judgment to which Steimke is entitled is \$626,784.73 together with late fees/interest at the rate of \$1,000 per week from September 29, 2005 until paid in full.

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<sup>1</sup> The United States Supreme Court ultimately reversed the Utah Supreme Court's ruling in *Campbell* with respect to the amount of punitive damages awarded. The Utah Supreme Court's ruling with respect to attorneys' fees was not affected and remains the law in the State of Utah.

II. THE COURT SHOULD EXPRESSLY DIRECT ENTRY OF JUDGMENT AS A FINAL JUDGMENT PURSUANT TO RULE 54(b).

Rule 54(b) of the Federal Rules of Civil Procedure provides in part:

When one or more claim for relief is presented in an action . . . or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. . . .

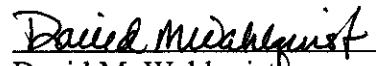
In its Order, the Court has completely adjudicated Steimke's Eighteenth Cause of Action against the Davis Defendants. Having fully resolved one of Steimke's claims, the Court would be justified in directing entry of judgment under Rule 54(b) on that basis alone. The propriety of directing an entry of judgment is even more evident, however, because Steimke has stipulated that she will dismiss the remainder of her claims against the Davis Defendants to become effective upon the Court's Order with respect to her Eighteenth Cause of Action becoming final and non-appealable. Such dismissal will likely negate the need for a trial in this matter, saving the resources of the Court and the parties. There is no just reason for delay and the Court should expressly direct the entry of judgment as final under Rule 54(b) in order to accrue this benefit.

**CONCLUSION**

For the foregoing reasons, Steimke requests the Court to direct entry of a final judgment pursuant to Rule 54 (b) against the Davis Defendants jointly and severally on Steimke's Eighteenth Cause of Action. Said judgment should be in the amount of \$626,784.73, together with interest/late fees in the amount of \$1,000 per week after September 29, 2005 until paid in full.

Respectfully submitted this 16<sup>th</sup> day of August, 2005.

KIRTON & McCONKIE

  
David M. Wahlquist  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of August, 2005, I caused to be served a true copy of the foregoing **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT** by the method indicated below, to the following:

Stephen Quesenberry  
HILL, JOHNSON & SCHMUTZ, L.C.  
Jamestown Square  
3319 North University Avenue  
Provo, UT 84604  
Attorneys for Defendants Frank Davis, Harvest  
Marketing, LLC and First Harvest, LLC

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

David J. Orr, Pro Se  
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West Valley, UT84120

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406 East 3335 South, Apt. 16  
Salt Lake City, UT 84115

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

David M. Wahlgren





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CLIENT 11425 STEIMKE, JENNIFER  
MATTER CT 1 CONTINGENCY TYPE A

** UNBILLED HOURS AND FEES				*****			
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE LOC	ACTION SEQ JOB
*****							
MECHAM, THOMAS A.	05/16/03	.50	DENNIS WILLIAMS RE: CLAIM ISSUES. ATTORNEY CONFERENCE WITH D. WAHLQUIST REGARDING PROPER PARTIES TO LAWSUIT.			W D T 1 H00073 1 H00076	
WAHLQUIST, DAVID M.	05/22/03	.70	FINALIZE COMPLAINT.			W D T 1 H00077 1 H00083	
WAHLQUIST, DAVID M.	06/12/03	.10	REVIEW CORRESPONDENCE RE: EXTENSION OF TIME FOR ANSWER.			W D T 1 H00083 1 H00085	
WAHLQUIST, DAVID M.	06/18/03	.20	CONFER WITH DENNIS WILLIAMS RE: STATUS; CONFER WITH FORSCHEN COUNSEL RE: STATUS.			W D T 1 H00085 1 H00085	
ELLISWORTH, JAMES E.	06/18/03	.20	CONFERENCES WITH MICHELLE TURPIN, COUNSEL FOR DEFENDANT JAY FORSHEN.			W D T 1 H00085 1 H00085	
WAHLQUIST, DAVID M.	06/23/03	.30	DRAFT CORRESPONDENCE TO JENNIFER.			W D T 1 H00088 1 H00090	
WAHLQUIST, DAVID M.	06/30/03	.20	CONFER WITH MICHAEL DENNY RE: FIRST HARVEST INTERNATIONAL.			W D T 1 H00090 1 H00092	
WAHLQUIST, DAVID M.	07/07/03	.10	CONFER WITH DAVID ORR RE: SETTLEMENT OFFER.			W D T 1 H00092 1 H00092	
WAHLQUIST, DAVID M.	08/11/03	.20	DRAFT CORRESPONDENCE TO CLIENT AND DENNIS WILLIAMS RE: FORSCHEN OFFER.			W D T 1 H00103 1 H00103	
WAHLQUIST, DAVID M.	08/22/03	.20	CONFER WITH DENNIS RE: CONFERENCE WITH FORSCHEN.			W D T 1 H00104 1 H00104	
WAHLQUIST, DAVID M.	08/26/03	.10	CONFER WITH DENNIS RE: CONFERENCE WITH FORSCHEN.			W D T 1 H00105 1 H00105	
WAHLQUIST, DAVID M.	09/02/03	.20	CONFER WITH DENNIS WILLIAMS RE: SUBPOENAS.			W D T 1 H00108 1 H00108	
WAHLQUIST, DAVID M.	09/15/03	.10	CONFER WITH DENNIS RE: ADDITIONAL SUBPOENAS.			W D T 1 H00110 1 H00110	
WAHLQUIST, DAVID M.	10/07/03	.10	REQUEST SUBPOENA.			W D T 1 H00115 1 H00115	
WAHLQUIST, DAVID M.	10/10/03	.20	REVIEW SUBPOENAS; CONFER WITH DENNIS RE: SAME.			W D T 1 H00116 1 H00116	
WAHLQUIST, DAVID M.	10/29/03	.20	CONFER WITH BANKS RE: RESPONSE TO SUBPOENAS.			W D T 1 H00121 1 H00121	
WAHLQUIST, DAVID M.	11/08/03	.20	DRAFT CORRESPONDENCE TO MICHELLE TURPIN RE: ANSWER.			W D T 1 H00129 1 H00129	
WAHLQUIST, DAVID M.	11/19/03	.40	CONFER WITH DENNIS WILLIAMS RE: STATUS OF CASE INVESTIGATION.			W D T 1 H00133 1 H00133	
ELLISWORTH, JAMES E.	11/21/03	.20	CONFERENCE WITH JERRY WIGHT, IRS SPECIAL AGENT;			W D T 1 H00131 1 H00131	

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** UNBILLED HOURS AND FEES				*****			
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE	LOC ACTION SEQ JOB
WAHLQUIST, DAVID M.	11/25/03	.60	CONFER WITH DENNIS WILLIAMS RE: CLAIM.				W D T 1 H00133
WAHLQUIST, DAVID M.	12/02/03	.20	REVIEW WACHOVIA DOCUMENTS.				W D T 1 H00135
WAHLQUIST, DAVID M.	12/10/03	.20	CONFER WITH DENNIS WILLIAMS RE: MATTER.				W D T 1 H00137
WAHLQUIST, DAVID M.	12/12/03	1.00	CONFER WITH DENNIS WILLIAMS RE: PACTUAL BACKGROUND FOR WHITE CLAIM.				W D T 1 H00137
WAHLQUIST, DAVID M.	01/09/04	.10	CONFER WITH DENNIS RE: CASE ISSUES.				W D T 1 H00145
WAHLQUIST, DAVID M.	01/23/04	.10	REVIEW FILE DOCUMENTS.				W D T 1 H00147
WAHLQUIST, DAVID M.	01/26/04	.10	CONFER WITH STEVE RE: DISCOVERY RESPONSES.				W D T 1 H00149
WAHLQUIST, DAVID M.	02/09/04	.80	DRAFT CORRESPONDENCE TO QUESENBERRY; EDIT PLANNING REPORT; CONFER WITH STEVE RE: INDEFINITE EXTENSION OF TIME TO RESPOND TO MOTION FOR SUMMARY JUDGMENT.				W D T 1 H00154
WAHLQUIST, DAVID M.	02/18/04	.10	REVIEW CORRESPONDENCE FROM QUESENBERRY RE: DEPOSITIONS.				W D T 1 H00155
WAHLQUIST, DAVID M.	03/05/04	1.30	REVIEW FILES; CONFER WITH DENNIS WILLIAMS RE: RESPONSE TO OUTSTANDING DOCUMENTS.				W D T 1 H00155
WAHLQUIST, DAVID M.	03/19/04	1.50	REVIEW DENNIS WILLIAMS REPORT AND RELATED DOCUMENTS.				W D T 1 H00164
WAHLQUIST, DAVID M.	03/31/04	.10	REVIEW CORRESPONDENCE RE: CASE SCHEDULE.				W D T 1 H00165
WAHLQUIST, DAVID M.	04/05/04	2.30	PREPARE INITIAL DISCLOSURES AND RESPONSES TO DISCOVERY REQUESTS.				W D T 1 H00167
WAHLQUIST, DAVID M.	04/06/04	1.70	DRAFT DISCOVERY REQUESTS, CONFER WITH QUESENBERRY RE: DEPOSITION SCHEDULE AND PROOF ISSUES; REVIEW DOCUMENTS FOR PRODUCTION.				W D T 1 H00167
WAHLQUIST, DAVID M.	04/08/04	.50	CONFER WITH DENNIS WILLIAMS; DRAFT DEPOSITION SUBPOENA CATEGORIES.				W D T 1 H00168
WAHLQUIST, DAVID M.	04/13/04	.10	REVIEW SUBPOENAS.				W D T 1 H00169
WAHLQUIST, DAVID M.	04/21/04	.20	CALL ON DAVIS SUBPOENA.				W D T 1 H00171
WAHLQUIST, DAVID M.	04/23/04	.10	CALL QUESENBERRY RE: DAVIS SERVICE.				W D T 1 H00171
WAHLQUIST, DAVID M.	04/27/04	.40	REVIEW DISCOVERY RESPONSES.				W D T 1 H00173
WAHLQUIST, DAVID M.	05/07/04	.10	CONFERENCE WITH QUESENBERRY REGARDING DEPOSITION TIME				W D T 1 H00177
WAHLQUIST, DAVID M.	05/10/04	.10	CHANGE FORSCHEN DEPOSITION DATE				W D T 1 H00178

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** UNBILLED HOURS AND FEES		*****			
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES CUMULATIVE LOC ACTION SEQ JOB
WAHLQUIST, DAVID M.	05/12/04	.20	PREPARE FOR DEPOSITION OF FRANK DAVIS		W D T 1 H00178
WAHLQUIST, DAVID M.	05/13/04	4.50	PREPARE FOR AND TAKE DEPOSITION OF FRANK DAVIS		W D T 1 H00178
WAHLQUIST, DAVID M.	05/19/04	.30	CONFER WITH DENNIS REGARDING DEPOSITION		W D T 1 H00178
WAHLQUIST, DAVID M.	05/26/04	.90	MEET WITH DENNIS AND ORR REGARDING CLAIM		W D T 1 H00179
WAHLQUIST, DAVID M.	06/04/04	7.00	PREPARE FOR AN TAKE DEPOSITION OF JAE FORSCHEN		W D T 1 H00181
WAHLQUIST, DAVID M.	06/18/04	.50	CALLS TO QUESENBERRY REGARDING		W D T 1 H00184
WAHLQUIST, ADAM	06/21/04	2.00	DEPOSITION NOTICE; DRAFT CORRESPONDENCE TO STEVE REGARDING SAME.		W D T 1 H00186
WAHLQUIST, DAVID M.	06/22/04	.20	LAW CLERK SERVICES: RESEARCH ON CIVIL CONSPIRACY.		W D T 1 H00186
WAHLQUIST, DAVID M.	06/23/04	.40	DRAFT CORRESPONDENCE TO QUESENBERRY ON MOTION.		W D T 1 H00211
WAHLQUIST, DAVID M.	06/24/04	.10	CONFER WITH DENNIS RE: DEPOSITION AND FOLLOW-UP.		W D T 1 H00211
WAHLQUIST, DAVID M.	06/25/04	.10	CALL QUESENBERRY RE: SCHEDULE.		W D T 1 H00187
WAHLQUIST, DAVID M.	06/28/04	.00	CONFER WITH DENNIS RE: SCHEDULE.		W D T 1 H00187
WAHLQUIST, DAVID M.	07/09/04	.60	(0.1 NC) CONFIRM WITH QUESENBERRY EXTENSION OF TIME ON DISCOVERY		W D T 1 H00192
WAHLQUIST, DAVID M.	07/19/04	.40	MEET WITH DAN MCDONALD RE: RESPONSE TO MOTION FOR SUMMARY JUDGMENT		W D T 1 H00192
WAHLQUIST, DAVID M.	08/03/04	.20	CONFER WITH JENNIFER RE: PAYMENT AND CASE STATUS		W D T 1 H00194
WAHLQUIST, DAVID M.	08/18/04	.40	CONFER WITH ALEXANDER DUSHKU RE: MOTION RESPONSE		W D T 1 H00194
WAHLQUIST, DAVID M.	08/20/04	1.50	CONFER WITH DAN MCDONALD RE: MOTION FOR SUMMARY JUDGMENT		W D T 1 H00198
WAHLQUIST, DAVID M.	09/17/04	.10	CONFER WITH DAN RE: CHANGES TO AFFIDAVIT AND MOTION OPPOSITION MEMORANDUM;		W D T 1 H00200
WAHLQUIST, DAVID M.	09/28/04	.10	FINALIZE AFFIDAVIT AND MEMORANDUM		W D T 1 H00200
WAHLQUIST, DAVID M.	10/05/04	.20	CONFER WITH DENNIS RE: STATUS OF MOTION		W D T 1 H00207
WAHLQUIST, DAVID M.	10/11/04	.40	CONFER WITH DENNIS RE: CLAIMS DEPOSITION		W D T 1 H00212
WAHLQUIST, DAVID M.	10/11/04	.40	CONFER WITH BRIAN RE: STIPULATION AND DEPOSITION		W D T 1 H00215
WAHLQUIST, DAVID M.	10/11/04	.40	CONFER WITH DENNIS RE: HALDEMAN		W D T 1 H00216

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\*\* UNBILLED HOURS AND FEES \*\*\*\*\*  
NAME DATE HOURS DESCRIPTION RATE FEES CUMULATIVE LOC ACTION SEQ JOB

WAHLQUIST, DAVID M. 10/19/04 .20 REVIEW DOCUMENTS PRODUCED BY BROWN W D T 1 H00216  
WAHLQUIST, DAVID M. 10/27/04 5.00 CONFER WITH BETTY PORTER RE: DEPOSITION W D T 1 H00220  
NOTICE; PREPARE FOR AND ATTEND HEARING  
ON MOTION FOR SUMMARY JUDGMENT  
LEGAL ASSISTANT SERVICES: ACCESS COURT  
DOCKET AND PRINT OFF DOCUMENTS  
REFLECTING HEARING AND SCHEDULE; BRIEF  
CONFERENCE WITH DAVID M. WAHLQUIST RE  
SAME.

PORTER, BETTY 10/27/04 .40 DOCKET AND PRINT OFF DOCUMENTS W D T 1 H00219  
REFLECTING HEARING AND SCHEDULE; BRIEF  
CONFERENCE WITH DAVID M. WAHLQUIST RE  
SAME.

WAHLQUIST, DAVID M. 11/02/04 .10 CONFER WITH DENNIS RE: HEARING W D T 1 H00219  
WAHLQUIST, DAVID M. 11/03/04 .40 REVIEW COURT ORDER; CONFER WITH BETTY W D T 1 H00226  
PORTER RE: DEPOSITION SCHEDULE  
CONFER WITH BETTY PORTER RE: DEPOSITION  
SUBPOENAS

WAHLQUIST, DAVID M. 11/04/04 .30 CONFER WITH BETTY PORTER RE: DEPOSITION W D T 1 H00226  
SUBPOENAS

PORTER, BETTY 11/04/04 .90 PARALEGAL SERVICES: CONFERENCES WITH W D T 1 H00226  
DAVID M. WAHLQUIST RE STATUS OF THIS  
MATTER; INTERNET RESEARCH RE MICHAEL  
BROWN AND MEDIDIAN AND MARALEE HALDEMAN;  
PRINT OFF INFORMATION; PREPARE  
SUBPOENAS, ETC.; ATTEMPTS TO REACH AN  
ATTORNEY TO SERVE AS LOCAL COUNSEL,  
ETC.; TELEPHONE CONFERENCE WITH DENNIS  
WILLIAMS; ATTEMPT TO REACH WILLIAMS  
AGAIN.

PORTER, BETTY 11/05/04 2.30 PARALEGAL SERVICES: TELEPHONE W D T 1 H00226  
CONFERENCES WITH LOCAL COUNSEL TRYING TO  
GET SUBPOENAS ISSUED FROM THEM AND  
NOTICES OF DEPOSITION SERVED ON MARALEE  
HALDEMAN; TELEPHONE CONFERENCE WITH  
MICHAEL BROWN RE POSSIBLY SETTING HIS  
DEPOSITION UP FOR COLORADO, ETC.;  
CONFERENCES WITH DAVID M. WAHLQUIST RE  
SAME.

PORTER, BETTY 11/08/04 .20 PARALEGAL SERVICES: MESSAGE FROM DAVID W D T 1 H00226  
COOK RE SERVICE ON MARALEE HALDEMAN;

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MATTER CT 1 CONTINGENCY TYPE A

NAME	DATE	HOURS	DESCRIPTION	RATE	FEE	CUMULATIVE	LOC	ACTION	SEQ	JOB
*****										
WAHLQUIST, DAVID M.	11/09/04	.50	BRIEF CONFERENCE WITH DAVID M. WAHLQUIST RE SAME.							
PORTER, BETTY	11/09/04	.70	CONFERENCE WITH MARALEE HALDEMAN RE: TESTIMONY; CONFERENCE WITH BETTY PORTER RE: PATTERSON SUBPOENA							
WAHLQUIST, DAVID M.	11/09/04	.70	PARALEGAL SERVICES: TELEPHONE CONFERENCES WITH MARALEE HALDEMAN RE CHANGING THE DATE FOR HER DEPOSITION, ETC.; CONFERENCES WITH DAVID M. WAHLQUIST RE SAME; PREPARE SUBPOENA AND NOTICE OF DEPOSITION FOR HUBERT PATTERSON; EMAIL DOCUMENTS TO DAVID COOK FOR SERVICE OF SAME.							
PORTER, BETTY	11/10/04	.30	PARALEGAL SERVICES: CONFERENCE WITH DAVID M. WAHLQUIST RE UPCOMING DEPOSITIONS; EMAILS TO AND FROM DAVID COOK; NOTES TO THE FILE RE ARRANGEMENTS RE COURT REPORTER.							
WAHLQUIST, DAVID M.	11/10/04	.30	PARALEGAL SERVICES: EMAILS TO AND FROM DAVID COOK; TELEPHONE CALL FROM KIM LEWIS RE NEED FOR COURT REPORTERS, ETC.; RETURN PHONE CALL.							
PORTER, BETTY	11/11/04	.30	PARALEGAL SERVICES: EMAILS TO AND FROM LOCAL COUNSEL'S OFFICE RE COURT REPORTER, ETC.; CONFERENCE WITH DAVID M. WAHLQUIST RE CALL TO MS HALDEMAN; TELEPHONE CONFERENCE WITH MARALEE HALDEMAN RE DEPOSITION DATE.							
WAHLQUIST, DAVID M.	11/17/04	.30	PARALEGAL SERVICES: CONFERENCE WITH DAVID M. WAHLQUIST RE STATUS OF THIS MATTER; TELEPHONE CONFERENCE WITH MIKE BROWN RE WHEN HE WOULD BE IN COLORADO, ETC.							
PORTER, BETTY	11/19/04	.70	CONFERENCE WITH MIKE BROWN RE: DEPOSITION PARALEGAL SERVICES: CONFERENCE WITH DAVID M. WAHLQUIST RE STATUS OF THIS MATTER.							
WAHLQUIST, DAVID M.	11/22/04	.40	CONFERENCE WITH DAVID M. WAHLQUIST RE STATUS OF THIS MATTER.							

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NAME	UNBILLED HOURS AND FEES	DATE
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HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE	LOC	ACTION	SEQ	JOB
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MATTER, EMAILS TO AND FROM LOCAL COUNSEL  
RE DEPO SCHEDULE; TELEPHONE CONFERENCE  
WITH DENNIS WILLIAMS RE PHONE NUMBER FOR  
BERT PATTERSON.

WAHLQVIST, DAVID M. 11/23/04

20 CONFER WITH BETTY PORTER RE: DEPOSITION

W D T 1 H00228

WAHLQUIST, DAVID M.	11/24/04
PORTER, BETTY	11/24/04

.30 CONFER WITH BETTY PORTER RE: DEPOSITIONS  
.60 PARALEGAL SERVICES: CONFERENCES WITH

W D T	1	H00228
W D T	1	H00228

LAID. MAJOUISI RE STATUS OF MATTERS ;  
TELEPHONE CONFERENCE WITH DAVE COOK RE  
CANCELLATION OF DEPO, ETC. ; LEFT  
DETAILED MESSAGE FOR BERT PATTERSON RE  
FACT THAT DEPOSITION WILL NOT BE ON  
MONDAY, ETC.

WAHLQUIST, DAVID M. 11/29/04

CONFERENCE WITH BETTY PORTER AND RICK COLBY

W D T 1 H00230

JENNIFER STEINKE -- REVIEW INFORMATION  
FROM QUESENBERRY'S OFFICE RE: MOTION AND  
ORDER; REVIEW CORRESPONDENCE FROM  
QUESENBERRY'S OFFICE.

ELLSWORTH, JAMES E. 11/29/04

.10 JENNIFER STEIMKE -- REVIEW INFORMATION

W D T 1 H00230

QUESENBERY'S OFFICE.

PORTER, BETTY 11/29/04

60 PARALEGAL SERVICES: CONFERENCES WITH

WDT 1 H00230

DAVID M. WAHLQUIST RE STATUS OF THIS MATTER; TELEPHONE CONFERENCE WITH RICK COLBY, COUNSEL FOR PATTERSON, RE STATUS OF MATTERS AND DATE FOR DEPOSITION; TELEPHONE CONFERENCE WITH MARLEE HALDEMAN RE SAME; EMAIL TO LOCAL COUNSEL RE SCHEDULE FOR THE DEPO, NEED FOR VIDEOGRAPHER, ETC.

PORTER, BETTY 11/30/04

20 PARALEGAL SERVICES: EMAILS TO AND FROM

W D T 1 H00231

KIM LEWIS, LOCAL COUNSEL'S OFFICE, RE ARRANGEMENTS FOR COURT REPORTER, HOTEL, ETC.; BRIEF CONFERENCE WITH DAVID M. WAHLQUIST RE SAME.

WAHLQUIST, DAVID M. 12/01/04

.50 CONFER WITH RICK COLBY AND BERT

WDT 1 H00234

PATTERSON RE: TESTIMONY AT DEPOSITIONS

1 H00234







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CLIENT 11425 STEIMKE, JENNIFER  
MATTER CT 1 CONTINGENCY TYPE A

** UNBILLED HOURS AND FEES				*****		
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE LOC ACTION SEQ JOB
SON IS VERY ILL AND THEY HAVE BEEN IN FRANCE AND MAY HAVE TO RETURN TO FRANCE ON A MOMENT'S NOTICE.						
WAHLQUIST, DAVID M.	12/21/04	.20	CONFER WITH DENNIS RE: DEPOSITIONS			W D T 1 H00239
WAHLQUIST, DAVID M.	01/17/05	.50	REVIEW TAPE EXCERPTS			W D T 1 H00239
WAHLQUIST, DAVID M.	01/18/05	.40	CONFER WITH JENNIFER RE: STATUS OF CASE AND SETTLEMENT POSTURE			W D T 1 H00248
WAHLQUIST, DAVID M.	01/31/05	.10	CONFER WITH DENNIS RE: RECORDINGS			W D T 1 H00254
WAHLQUIST, DAVID M.	02/07/05	.10	CONFER WITH DENNIS RE: TAPES			W D T 1 H00257
WAHLQUIST, DAVID M.	02/22/05	.10	CONFER WITH DENNIS RE: TAPES			W D T 1 H00261
WAHLQUIST, DAVID M.	02/26/05	.30	REVIEW CORRESPONDENCE FROM DENNIS RE: TAPES			W D T 1 H00262
WAHLQUIST, DAVID M.	04/29/05	.20	REVIEW MOTION FOR SUMMARY JUDGMENT			W D T 1 H00284
WAHLQUIST, DAVID M.	05/02/05	4.50	DRAFT RESPONSE TO THIRD MOTION FOR SUMMARY JUDGMENT			W D T 1 H00287
WAHLQUIST, DAVID M.	05/03/05	4.80	DRAFT MEMORANDUM IN SUPPORT OF MOTION			W D T 1 H00287
WAHLQUIST, DAVID M.	05/04/05	4.80	DRAFT MEMOS IN SUPPORT OF CROSS MOTION			W D T 1 H00287
WRAZIER, RYAN B.	05/05/05	1.20	RESEARCHING WHAT CONSTITUTES CONSIDERATION IN SUPPORT OF A PROMISSORY NOTE			W D T 1 H00289
WAHLQUIST, DAVID M.	05/05/05	8.00	FINALIZE MEMORANDUM IN OPPOSITION TO THIRD MOTION FOR SUMMARY JUDGMENT			W D T 1 H00287
WRAZIER, RYAN B.	05/06/05	3.60	RESEARCHING WHETHER A PROMISE TO PARTY ISSUING PROMISSORY NOTE TO THIRD PARTY CAN SERVE AS CONSIDERATION FOR PROMISSORY NOTE; RESEARCHING WHETHER ANTECEDENT DEBT CAN SERVE AS CONSIDERATION FOR A PROMISSORY NOTE			W D T 1 H00289
WAHLQUIST, DAVID M.	05/06/05	1.70	FINALIZE MEMORANDA			W D T 1 H00287
WAHLQUIST, DAVID M.	05/31/05	.10	CALL QUESENBERRY IN RESPONSE TO REQUEST FOR EXTENSION			W D T 1 H00295
WAHLQUIST, DAVID M.	06/01/05	.10	REVIEW REPLY BRIEF			W D T 1 H00297
WAHLQUIST, DAVID M.	06/10/05	5.30	DRAFT REPLY BRIEF			W D T 1 H00299
WAHLQUIST, DAVID M.	06/13/05	4.30	PREPARE REPLY BRIEF			W D T 1 H00300
WAHLQUIST, DAVID M.	06/15/05	5.40	PREPARE FOR AND ATTEND HEARING ON CROSS MOTIONS FOR SUMMARY JUDGMENT			W D T 1 H00300

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CLIENT 11425 STEIMKE, JENNIFER  
MATTER CT 1 CONTINGENCY TYPE A

\*\* UNBILLED HOURS AND FEES \*\*\*\*\*  
NAME DATE HOURS DESCRIPTION RATE FEES CUMULATIVE LOC ACTION SEQ JOB

MAHLQUIST, DAVID M. 08/02/05 1.00 REVIEW RULING; CONFER WITH DENNIS RE: RULING W D T 1 H00316  
MAHLQUIST, DAVID M. 08/03/05 .20 CONFER WITH STEVE QUESENBERRY RE: STIPULATION W D T 1 H00316  
1 H00316

TOTAL HOURS 140.20

\*\* UNBILLED DISBURSEMENTS \*\*\*\*\*  
NAME DATE DETAILS REF AMOUNT CUMULATIVE TYPE ACT SEQ JOB

KM HOUSE ATTORNEY 05/06/05 MESSENGER SERVICE 55.55 55.55 33 W D T 5 D82717  
KM HOUSE ATTORNEY 06/13/05 LONG DISTANCE TELEPHONE .16 55.71 6 W D T 1 K82611  
1-801-375-3865

KM HOUSE ATTORNEY 06/13/05 PHOTOCOPIES 16.80 72.51 14 W D T 2 K82612  
6568

KM HOUSE ATTORNEY 06/15/05 PHOTOCOPIES .60 73.11 14 W D T 1 K82636  
6568

KM HOUSE ATTORNEY 06/15/05 PHOTOCOPIES 1.56 74.67 14 W D T 2 K82636  
6568

KM HOUSE ATTORNEY 06/15/05 PHOTOCOPIES 4.56 79.23 14 W D T 3 K82636  
6568

KM HOUSE ATTORNEY 06/15/05 PHOTOCOPIES 1.44 80.67 14 W D T 4 K82636  
2818

KM HOUSE ATTORNEY 06/15/05 PHOTOCOPIES 1.56 82.23 14 W D T 5 K82636  
2818

KM HOUSE ATTORNEY 08/02/05 PHOTOCOPIES 2.04 84.27 14 W D T 1 K82986  
6568

\*\* MATTER STATEMENT HISTORY \*\*\*\*\*  
DATE NUMBER TYPE FEES AMOUNT VARIANCE DISBURSEMENTS TOTAL AMOUNT BALANCE DATE PAID CREDIT INTEREST JOB

11/12/02 402032 R 0+ 10.99 10.99 10.99 11/14/02 S76328  
01/13/03 406494 R 0+ 41.90 41.90 41.90 01/16/03 S76663  
06/10/03 419543 R 0+ 178.20 178.20 178.20 06/17/03 S77561  
06/30/03 422191 R 0+ 3.36 3.36 3.36 07/30/03 S77763

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JENNIFER STEIMKE

11425 STEIMKE, JENNIFER

1/

220 RENAISSANCE PARKWAY NE 1302

CT 1 CONTINGENCY TYPE A

1/

ATLANTA GA 30308-2354

FROM 05/30/02 TO PROFESSIONAL SERVICES RENDERED  
TO 08/03/05 IN CONNECTION WITH

STATEMENT #

REQUESTED BY

LAST REQUEST WAHLQUIST, DAVID M.

DATE 08/04/05

RESPONSIBLE WAHLQUIST, DAVID M. ASSIGNED WAHLQUIST, DAVID M.

NAME RATE HOURS FEE ADJUSTED FEE

FRAZIER, RYAN B. 4.80 .00

WAHLQUIST, DAVID M. 121.80 .00

MECHAM, THOMAS A. .50 .00

ELLSWORTH, JAMES E. .50 .00

WAHLQUIST, ADAM 2.00 .00

PORTER, BETTY 10.60 .00

FEES .00

DISBURSEMENTS 84.27

140.20 \$ .00

TOTAL STATEMENT \$84.27

APPROVED BY DATE FORMAT 1

DISBURSEMENT TYPE

AMOUNT

BILL ALL TIME OR TO DATE RATE J

BILL ALL DISBURSEMENTS OR TO DATE ADDRESS

BILL ON ACCOUNT WRITE OFF HOLD

COVERING LETTER REQUIRED CLOSE CLIENT MATTER

SEND COPY OF ACCOUNT TO

LONG DISTANCE TELEPHONE

PHOTOCOPIES

MESSENGER SERVICE

Sub-total Dsblts

Total Disbursements

.16

28.56

55.55

84.27

84.27

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CLIENT 990000103 MCDONALD, DANIEL J. (275)  
MATTER NB 5 BARTER TIME

DATE OPENED 04/19/00

** UNBILLED HOURS AND FEES		*****				*****			
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE	LOC	ACTION	SEQ JOB
MCDONALD, DANIEL J.	07/09/04	.90	(DAVID M. WAHLQUIST) MEET WITH DAVE WAHLQUIST TO DISCUSS SUMMARY JUDGMENT MOTION AND RESPONSE STRATEGY.						
						W D T			1TH81348
									1 H81348
MCDONALD, DANIEL J.	07/20/04	.40	(DAVID M. WAHLQUIST) REVIEW SUMMARY JUDGMENT MEMORANDUM IN MORE DETAIL.			W D T			1TH81348
									1 H81348
MCDONALD, DANIEL J.	07/27/04	3.30	(DAVID M. WAHLQUIST) REVIEW DEPOSITION TRANSCRIPT FOR DEPOSITION OF JAE FORSCHEN IN PREPARATION TO DRAFT MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.			W D T			1TH81348
									1 H81348
									1 H81348
									1 H81348
MCDONALD, DANIEL J.	07/28/04	.60	(DAVID M. WAHLQUIST) BEGIN REVIEWING FRANK DAVIS DEPOSITION TRANSCRIPT.			W D T			1TH81348
									1 H81348
MCDONALD, DANIEL J.	07/29/04	7.90	(DAVID M. WAHLQUIST) FINISH REVIEWING FRANK DAVIS DEPOSITION TRANSCRIPT. BEGIN RESEARCHING RELEVANT AUTHORITIES TO INCLUDE IN MEMO IN OPPOSITION TO SUMMARY JUDGMENT MOTION. BEGIN DRAFTING MEMORANDUM IN OPPOSITION TO SUMMARY JUDGMENT MOTION. CONTACT OPPOSING COUNSEL AND OBTAIN AN EXTENSION UNTIL AUGUST 20, 2004.			W D T			1TH81348
									1 H81348
									1 H81348
									1 H81348
MCDONALD, DANIEL J.	07/30/04	5.50	(DAVID M. WAHLQUIST) CONTINUE RESEARCHING AND PREPARING MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.			W D T			1TH81348
									1 H81348
									1 H81348
									1 H81348
MCDONALD, DANIEL J.	08/03/04	.50	(DAVID M. WAHLQUIST) REVIEW STATUS OF SUMMARY JUDGMENT RESPONSE WITH DAVID WAHLQUIST. CONTINUE WORKING ON MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.			W D T			1TH81348
									1 H81348
									1 H81348
									1 H81348
MCDONALD, DANIEL J.	08/05/04	.60	(DAVID M. WAHLQUIST) DRAFT AND FILE MOTION FOR EXTENSION OF TIME TO RESPOND TO SECOND MOTION FOR SUMMARY JUDGMENT AFTER NOT BEING ABLE TO GET SIGNATURES FROM OPPOSING COUNSEL.			W D T			1TH81348
									1 H81348
									1 H81348
									1 H81348
MCDONALD, DANIEL J.	08/10/04	3.20	(DAVID M. WAHLQUIST) REVIEW DEPOSITION			W D T			1TH81348

08/15/05

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CLIENT 990000103 MCDONALD, DANIEL J. (275)  
MATTER NB 5 BARTER TIME

** UNBILLED HOURS AND FEES		*****			
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES CUMULATIVE LOC ACTION SEQ JOB
TRANSCRIPTS AND THEN REVISE STATEMENT OF FACTS TO CLARIFY AND HIGHLIGHT EVIDENCE THAT FRANK DAVIS HAD KNOWLEDGE THAT MICHELON TRUST MONIES WERE BEING USED TO FUND BUY-IN TO THE DEBT ELIMINATION SCHEME.					
MCDONALD, DANIEL J.	08/11/04	2.00	(DAVID M. WAHLQUIST) CONTINUE DRAFTING MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/16/04	4.80	(DAVID M. WAHLQUIST) CONTINUE RESEARCHING AND PREPARING MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/17/04	2.10	(DAVID M. WAHLQUIST) CONTINUE RESEARCHING AND DRAFTING MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/18/04	4.60	(DAVID M. WAHLQUIST) FINISH DRAFTING INITIAL DRAFT OF MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT. REVIEW AND MAKE FIRST EDIT. UPDATE DAVE WAHLQUIST ON STATUS.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/19/04	3.30	(DAVID M. WAHLQUIST) UPDATE DAVE WAHLQUIST ON STATUS. MAKE FINAL EDITS ON BRIEF. ASSIGN LEGAL ASSISTANT TO CONDUCT CASE PULL SO I CAN MAKE FINAL REVIEW OF ALL CASES AND MAKE SURE ALL AUTHORITIES ARE ACCURATE AND UP TO DATE.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/20/04	5.70	(DAVID M. WAHLQUIST) REVISE AND FINALIZE MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT. DRAFT, REVISE AND FINALIZE RULE 56(F) AFFIDAVIT OF DAVID WAHLQUIST. MEET WITH DAVID WAHLQUIST TO REVIEW CHANGES NEEDED TO MEMORANDUM.		W D T 1 H81348 1 H81348
MCDONALD, DANIEL J.	08/27/04	.10	(DAVID M. WAHLQUIST) COMMUNICATE WITH OPPOSING COUNSEL FOR DEADLINE TO FILE		W D T 1 H81348 1 H81348

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CLIENT 990000103 MCDONALD, DANIEL J. (275)  
MATTER NB 5 BARTER TIME

** UNBILLED HOURS AND FEES	*****								
NAME	DATE	HOURS	DESCRIPTION	RATE	FEES	CUMULATIVE	LOC	ACTION	SEQ JOB
MCDONALD, DANIEL J.	09/10/04	.10	REPLY BRIEF. COMMUNICATE STATUS TO DAVID WAHLQUIST.						1 H81348
			(DAVID M. WAHLQUIST) TELEPHONE						1 H81348
			CONFERENCE WITH OPPOSING COUNSEL						1 H81348
			CONCERNING NEED FOR EXTENSION.						1 H81348
MCDONALD, DANIEL J.	10/29/04	.10	(DAVID M. WAHLQUIST) REVIEW STATUS OF SUMMARY JUDGMENT HEARING.						1 H81348
TOTAL HOURS		45.70							

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OFFC DEPT RESP

LMR DATE DISBURSEMENT CODE

DETAILS

REF

CLIENT & MATTER  
FIRM  
AMOUNT STAT JOB# SEQ

11425 STEIMKE, JENNIFER

CT 1 CONTINGENCY TYPE A

DMW  
DMW

DMW 09/04/02 4 FEDERAL EXPRESS, DHL, UPS, ETC.

FED X - 9/4 JENNIFER STEIMK 33945

DMW 12/06/02 14 PHOTOCOPIES

2818

10.99 B D76218 1

DMW 12/06/02 14 PHOTOCOPIES

2818

1.32 B K76507 1

DMW 12/06/02 14 PHOTOCOPIES

2818

2.16 B K76507 2

DMW 12/06/02 14 PHOTOCOPIES

2818

9.00 B K76507 3

DMW 12/09/02 1 POSTAGE

2818

24.12 B K76507 4

DMW 05/23/03 14 PHOTOCOPIES

2818

5.30 B D76554 1

DMW 05/30/03 32 FILING FEES

2818

28.20 B D77495 1

DMW 06/12/03 14 PHOTOCOPIES

2818

150.00 B E77533 1

DMW 06/25/03 14 PHOTOCOPIES

2818

1.44 B D77711 1

DMW 06/27/03 14 PHOTOCOPIES

2818

1.44 B K77742 1

DMW 09/04/03 14 PHOTOCOPIES

2818

.48 B K78176 1

DMW 09/04/03 14 PHOTOCOPIES

2818

7.92 B K78176 1

DMW 10/07/03 14 PHOTOCOPIES

2818

.72 B K78176 2

DMW 10/13/03 14 PHOTOCOPIES

2818

.72 B D78376 1

DMW 10/29/03 6 LONG DISTANCE TELEPHONE

2818

.96 B K78428 1

DMW 10/29/03 6 LONG DISTANCE TELEPHONE

2818

.04 B D78547 1

DMW 11/11/03 14 PHOTOCOPIES

2818

.08 B D78547 2

DMW 11/12/03 14 PHOTOCOPIES

2818

.48 B K78628 1

DMW 11/13/03 14 PHOTOCOPIES

2818

1.68 B K78636 1

DMW 11/13/03 14 PHOTOCOPIES

2818

.12 B K78653 1

DMW 11/21/03 6 LONG DISTANCE TELEPHONE

2818

1.92 B K78653 2

DMW 11/25/03 11 PHOTOCOPIES OF DOCUMENTS & CERTIFIED

2818

.27 B K78925 1

DMW 02/12/04 11 PHOTOCOPIES OF DOCUMENTS & CERTIFIED

2818

31.50 B Z78978 1

DMW 02/19/04 14 PHOTOCOPIES

2818

147.00 B Z79438 1

DMW 02/27/04 14 PHOTOCOPIES

2818

117.24 B K79432 1

DMW 02/27/04 14 PHOTOCOPIES

2818

4.68 B K79495 1

DMW 02/27/04 14 PHOTOCOPIES

2818

14.88 B K79495 2

DMW 02/27/04 14 PHOTOCOPIES

2818

34.20 B K79495 3

DMW 02/27/04 6 LONG DISTANCE TELEPHONE

2818

10.44 B K79495 4

DMW 03/09/04 1 POSTAGE

2818

.11 B K79496 5

DMW 04/06/04 1 POSTAGE

2818

11.05 B D79554 1

DMW 04/14/04 1 POSTAGE

2818

3.95 B D79735 1

DMW 05/10/04 14 PHOTOCOPIES

2818

4.42 B D79794 1

DMW 05/11/04 14 PHOTOCOPIES

2818

1.44 B K79947 1

DMW 05/13/04 14 PHOTOCOPIES

2818

.36 B K79947 1

DMW 05/20/04 6 LONG DISTANCE TELEPHONE

2818

30.60 B K79977 1

DMW 05/20/04 6 LONG DISTANCE TELEPHONE

2818

.06 B K80042 1

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CLIENT & MATTER NUMBER & NAME

OFFICE DEPT RESP

FIRM  
CLIENT & MATTER

LWR DATE DISBURSEMENT CODE

DETAILS

REF

AMOUNT STAT JOB# SEQ

11425 STEIMKE, JENNIFER

DMW

.../CONTINUED

CT 1 CONTINGENCY TYPE A

DMW

KM 05/24/04 14 PHOTOCOPIES

2818

23.88 B K80057 1

DMW 05/24/04 34 DEPOSITIONS/TRANSCRIPTS

REPORTERS INC - DEPOSITION/ 2535

436.35 B Z80033 2

KM 05/25/04 14 PHOTOCOPIES

8970

1.80 B K80063 1

KM 06/04/04 14 PHOTOCOPIES

2818

6.84 B K80128 1

KM 06/04/04 14 PHOTOCOPIES

8970

8.52 B K80128 2

KM 06/04/04 14 PHOTOCOPIES

8970

35.04 B K80128 3

KM 06/07/04 14 PHOTOCOPIES

8970

.12 B K80128 1

DMW 06/08/04 34 DEPOSITIONS/TRANSCRIPTS

REPORTERS INC - DEPOSITION/ 2502

791.00 B Z80033 1

KM 06/21/04 14 PHOTOCOPIES

8970

30.96 B K80241 1

KM 07/06/04 14 PHOTOCOPIES

6568

1.92 B K80373 1

KM 07/09/04 14 PHOTOCOPIES

6568

4.32 B K80373 1

KM 07/14/04 14 PHOTOCOPIES

6568

.12 B K80395 1

KM 07/20/04 14 PHOTOCOPIES

2818

9.00 B K80469 1

DMW 07/29/04 2 COMPUTER LEGAL RESEARCH-WESTLAW

1-801-375-3865

215.54 B K80543 1

DMW 07/30/04 2 COMPUTER LEGAL RESEARCH-WESTLAW

1-801-375-3865

119.50 B K80543 1

KM 08/04/04 6 LONG DISTANCE TELEPHONE

70

.04 B K80561 1

KM 08/04/04 14 PHOTOCOPIES

3749

.72 B K80562 2

KM 08/05/04 14 PHOTOCOPIES

3749

2.16 B K80562 1

DMW 08/17/04 2 COMPUTER LEGAL RESEARCH-WESTLAW

3749

7.47 B K80713 1

DMW 08/18/04 2 COMPUTER LEGAL RESEARCH-WESTLAW

3749

.60 B K80713 1

KM 08/20/04 14 PHOTOCOPIES

3749

10.20 B K80348 1

KM 08/20/04 14 PHOTOCOPIES

3749

79.68 B K80348 2

KM 08/20/04 14 PHOTOCOPIES

3749

14.40 B K80348 3

KM 08/20/04 1 POSTAGE

3749

12.00 B D80634 4

DMW 08/20/04 2 COMPUTER LEGAL RESEARCH-WESTLAW

1-801-375-6600

11.53 B K80713 5

KM 08/27/04 6 LONG DISTANCE TELEPHONE

1-801-375-6600

.21 B K80694 1

KM 08/27/04 6 LONG DISTANCE TELEPHONE

1-801-375-6600

.07 B K80694 2

KM 10/01/04 6 LONG DISTANCE TELEPHONE

1-703-836-0362

.12 B K80976 1

KM 10/01/04 14 PHOTOCOPIES

6568

1.44 B K80977 2

KM 11/04/04 14 PHOTOCOPIES

6568

.60 B K81162 1

KM 11/05/04 14 PHOTOCOPIES

6568

1.44 B K81162 1

KM 11/05/04 14 PHOTOCOPIES

6568

1.44 B K81162 2

KM 11/05/04 14 PHOTOCOPIES

6568

3.00 B K81162 3

KM 11/05/04 6 LONG DISTANCE TELEPHONE

1-614-464-5459

.82 B K81163 4

KM 11/05/04 6 LONG DISTANCE TELEPHONE

1-703-519-7733

.70 B K81163 5

KM 11/05/04 6 LONG DISTANCE TELEPHONE

1-614-464-6389

.14 B K81163 6

KM 11/05/04 6 LONG DISTANCE TELEPHONE

1-614-464-6344

.76 B K81163 7



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CLIENT DISBURSEMENTS REPORT

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CLIENT & MATTER NUMBER & NAME  
LWR DATE DISBURSEMENT CODE

OFFIC DEPT RESP  
DETAILS

REF

CLIENT & MATTER  
FIRM  
AMOUNT STAT JOB# SEQ

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TOTAL CLIENT 11425 6,784.73  
TOTAL UNBILLED 84.27  
TOTAL BILLED 6,700.46

08/15/05

QPADEV-NDAVIS ALL

SELECTED DATA

CLIENT & MATTER NUMBER & NAME

LWR DATE DISBURSEMENT CODE

KIRTON & MCCONKIE

CLIENT DISBURSEMENTS REPORT

OFFC DEPT RESP

DETAILS

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CLIENT & MATTER

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11425 STEIMKE, JENNIFER

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TOTAL WRITTEN-OFF

TOTAL TRANSFERRED

***Itemization of Costs***

Ryan Frazier, attorney	4.8 hrs. x \$175.00 =	\$ 840.00
David M. Wahlquist, attorney	121.8 hours x \$275.00 =	33,499.00
James E. Ellsworth, attorney	.5 hrs. x \$205.00 =	102.50
Thomas A. Mecham, attorney	.5 hrs. x \$200.00 =	100.00
Daniel J. McDonald, attorney	45.7 hrs. x \$190.00 =	8,683.00
Adam Wahlquist, legal assistant	2.0 hrs. x \$25.00 =	50.00
Betty Porter, legal assistant	10.6 hrs. x \$110.00 =	<u>1,166.00</u>
	<b>Total</b>	<b>\$ 44,440.50</b>

David M. Wahlquist (Bar No. 3349)

**KIRTON & McCONKIE**

1800 Eagle Gate Tower

60 East South Temple

P.O. Box 45120

Salt Lake City, UT 84145-0120

Attorneys for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT**

**STATE OF UTAH, CENTRAL DIVISION**

---

JENNIFER STEIMKE, as trustee of the :  
ODETTE GRAHAM TRUST, sole beneficiary :  
of the MICHELON FAMILY TRUST, and sole : **FINAL JUDGMENT AGAINST FRANK L.**  
devisee and representative of the ESTATE OF : **DAVIS, FIRST HARVEST, LLC AND**  
LYNDA STEIMKE MICHELON, : **HARVEST MARKETING, LLC**

Plaintiff,

v.

JAE FORSCHEN, DAVID J. ORR, :  
individually and dba WORLD :  
CONTRACTUAL SERVICES, HARVEST :  
MARKETING, L.L.C., FIRST HARVEST, :  
L.L.C., FRANK L. DAVIS, and JOHN DOES 1 :  
through 10, :

Defendants. :

Case No. 2:03CV-0487

Judge Dale A. Kimball

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Plaintiff's Motion For Entry of Judgment having come before the Court, the Court having  
issued its Memorandum Decision and Order dated August 2, 2005 granting Plaintiff's Motion

For Partial Summary Judgment and having reviewed Plaintiff's motion documents, Affidavit and Memorandum of Fees and Costs, and Bill of Costs, and being advised in the premises,

THE COURT HEREBY ORDERS as follows:

1. Judgment is hereby granted in favor of Plaintiff Jennifer Steimke against defendants Frank L. Davis, Harvest Marketing, LLC, and First Harvest, LLC jointly and severally on Plaintiff's Eighteenth Cause of Action in the amount of \$626,784.73 plus late fees/interest in the amount of \$1,000 per week from September 29, 2005 until paid in full.

2. The Court expressly directs entry of judgment in said amount as a final judgment pursuant to Rule 54(b) on the ground that it has completely adjudicated Plaintiff's Eighteenth Cause of Action. Moreover, the Court notes that Plaintiff has stipulated to dismiss all other claims in her complaint against Frank L. Davis, Harvest Marketing, LLC and First Harvest, LLC to become effective upon this Judgment becoming final and non-appealable. Therefore, directing entry of this Judgment will at least resolve all claims against the parties against which Judgment is entered and may even obviate the need for a trial in this matter, thus conserving the resources of the Court and the parties. For these reasons, the Court finds that there is no just reason for delay in having this Judgment become final.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2005.

BY THE COURT:

---

Honorable Dale A. Kimball  
United States District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of August, 2005, I caused to be served a true copy of the foregoing **FINAL JUDGMENT** by the method indicated below, to the following:

Stephen Quesenberry  
HILL, JOHNSON & SCHMUTZ, L.C.  
Jamestown Square  
3319 North University Avenue  
Provo, UT 84604  
Attorneys for Defendants Frank Davis, Harvest  
Marketing, LLC and First Harvest, LLC

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

David J. Orr, Pro Se  
5449 Suntree Avenue  
West Valley, UT84120

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Jae Forschen, Pro Se  
406 East 3335 South, Apt. 16  
Salt Lake City, UT 84115

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

David Mihalquist